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BY HAND DELIVERY

Kim Stevenson
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5347

Dear Ms. Stevenson:

On behalf of the Democratic Congressional Campaign Committee – Contributions, the Democratic Campaign Committee – Expenditures, and Howard Wolfson as treasurer (collectively the “DCCC”), I hereby respond to the complaint filed January 16, 2003 that was served on the DCCC by letter dated January 24, 2003 (the “Complaint”). The Complaint is meritless and we respectfully submit that the Commission should dismiss the Complaint.

The Complaint alleged that the Pennsylvania Democratic Party (“PDP”) exceeded its 2 U.S.C. 441a(d)¹ authority in connection with advertising run in the 13th Congressional District of Pennsylvania during the 2002 election cycle. The Complaint continues to accuse the DCCC of being involved with the PDP in an undefined conspiracy to exceed the 441a(d) limits. These claims are false.

During the 2002 election cycle, as permitted by 11 C.F.R. 110.7, the DCCC transferred its entire 441a(d) authority to the PDP. As a result, the DCCC did not conduct any coordinated party expenditures in PA Congressional District 17. Rather, all coordinated party expenditures were conducted by the PDP.

The Complaint is confusing because it lumps together numerous types of advertising alleging that they are all PDP coordinated party expenditures without any factual basis. Indeed, the majority of advertisements attached to the Complaint appear

¹ The Complaint erroneously states that the authority to conduct and limits on coordinated party expenditures is found in 2 U.S.C. 441a(a).

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to be advertisements that were not coordinated party expenditures at all, but are advertisements that appear to have been paid for by Hoeffel for Congress. These advertisements include a paid for by Hoeffel for Congress disclaimer, and the FEC reports for Hoeffel for Congress indicate that it paid for and reported a significant amount of media expenditures. Hoeffel for Congress is obviously not limited in the amount of advertising it may purchase and is not limited by 441a(d).

Similarly, the one advertisement attached to the Complaint that was paid for by the DCCC is not a coordinated party expenditure. The advertisement entitled "Brown's failed healthcare co." does not expressly advocate the election or defeat of any candidate. Rather as the storyboard attached to the Complaint demonstrates it is an issue advertisement and as such the DCCC is not limited by 441a(d) in connection with this advertisement. This advertisement gave the public information about Melissa Brown and her prior business ventures without ever urging anyone to vote in any particular fashion. The advertisement never mentioned that Ms. Brown was a candidate, never mentioned any election and certainly never urged anyone to vote in any particular manner. Just as the Complainant misunderstood that some of the advertisements were paid by the candidate, so she also failed to understand that this advertisement is not subject to the limits of 441a(d).

The Complainant is simply wrong about the material facts of the matter. The DCCC respectfully submits that the Complaint should be dismissed.

Very truly yours,

Cassandra Lentchner

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